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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,595	09/26/2003	Vincent J. Tekippe	29165.00	8642
22465	7590	05/31/2006	EXAMINER	
PITTS AND BRITTIAN P C			PENG, CHARLIE YU	
P O BOX 51295			ART UNIT	PAPER NUMBER
KNOXVILLE, TN 37950-1295			2883	

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Please find below and/or attached an Office communication concerning this application or proceeding.

3/6

Office Action Summary	Application No. 10/672,595	Applicant(s) TEKIPPE, VINCENT J.	
	Examiner Charlie Peng	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-21, 24-27 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-21, 25 and 26, 37 is/are allowed.
- 6) ☒ Claim(s) 24, 27, 29-36 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

BRIAN HEALY

DETAILED ACTION

Claim Objections

Claim 38 is objected to because of the following informalities: on line 7, "interesting" should be "intersecting". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble in claim 27 indicates a method for forming an optical device, yet none of the limitations in claim 27 refers to any optical device and/or optical element being present. The claim is therefore indefinite.

Response to Arguments

With reference to claims 1-8, 10, 11, 25, 26 and 37, applicant's arguments regarding a pair of openings located diametrically opposite to each (08 March 2006) are persuasive. The claims are allowed.

With reference to claims 32-36, applicant appeared to argue that these claims depend upon one or more allegedly allowable claims. However, claim 32 is an independent claim and claims 33-36 depend upon claim 32. Effectively, subject matter in claims 32-36 were not addressed. Since claims 32-36 were not amended, the previous rejection is still deemed valid.

With reference to amended claim 27 and newly added claims 38 and 39, applicant's arguments have been fully considered but they are not moot in view of the new ground of rejection. The following is the examiner's response:

The applicant amended claim 27 to include a limitation stating that the openings define volumes and lines parallel to the openings, whereas Jeong allegedly does not teach these features. The examiner respectfully disagrees with this interpretation of the Jeong reference. The examiner has designated slots 607 608, which are defined by three ridges 604 605 606 and the slots are parallel to the three ridges 604 605 606, to be the two openings claimed. Jeong therefore defines both the volumes and the lines as claimed. (See 35 USC 103 (a) rejection below for details.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

Claims 24, 27, 29-36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,757,471 to Jeong et al. in view of U.S. Patent 6,282,349 to Griffin.

Jeong teaches a method of making an optical block assembly having a first optical member **F2/BF** and a second member for fixing and supporting the first optical member. (See at least **Fig. 7** and its descriptions) The second member includes a cover **C5** and a block **30** with V-grooved aperture **310** to receive the first optical member

F2/BF. (See at least **Fig. 5** and its descriptions) The method further includes placing the cover **C5** across and in contact with the fibers **BF**, as the cover **C5** is fixated at a distant position from the fiber **BF** by three ridges **604 605 606**, wherein the three ridges define two different slots/openings **607 608**. (See at least Fig. 6 and description) Thus, there exists a split due to the presences of the slots/openings between the bare-fiber **BF** and the bottom surface of the cover **C5**, to which the adhesive, epoxy-resin **B**, is filled in and hardened/cured. Each of the slots defines an inside surface **602 603**, and the surfaces further defines lines at their edges parallel to longitudinal axes of the openings and thus substantially perpendicular to and intersecting the fibers **BF**.

Jeong does not teach the adhesive having a high viscosity so that it does not wick. Griffin teaches a method of using high viscosity adhesive to secure optical fibers inside ferrules so that the adhesive cures before it can wick. (See at least **column 2, paragraph 1**) Since Jeong and Griffin are of analogous art in using adhesive to secure optical fibers, the purpose of using an adhesive that does not wick would have been recognized as pertinent art to Jeong's invention. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a high viscosity adhesive in fixing the first optical member of Jeong. The motivation would be to prevent the adhesive from wicking to the end(s) of the block and contaminate the terminations of the first optical member.

With reference to claim 34, since epoxy of amorphous silica is known to be an epoxy with high viscosity, (e.g. U.S. Patent 5,344,635) it would have been obvious to use it for the same motivation as well.

With specific reference to claim 22, as seen in Fig. 7, two surfaces (of the cover C5 and the support member) on which the two openings reside are substantially perpendicular to an end face of the fiber F2. Since the openings are substantially on diametrically opposite sides of the fiber F2, so are the two surfaces.

With specific reference to claims 35 and 36, Jeong and Griffin discloses the claimed invention except for a particle size or concentration of amorphous silica. Since the applicant has not disclosed that a size of less than or equal to 10 μ m or a concentration of at least 68% solves any stated problem or is for any particular purposes, it would have been obvious to one having ordinary skill in the art to optimize the size or concentration of amorphous silica particles as needs arise. A change in size or concentration is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955) The motivation would be to provide an epoxy resin composition excellent in confidence for reflow resistance at a high temperature and moldability, and to provide a semiconductor device sealed with the epoxy resin composition.

With specific reference to claim 9, the applicant is simply switching the labels "first member" and "second member" on separate parts of the optical device. This can be rejected by designating part **F2/BF** of Jeong as the second member, and designating parts **C5** and **30** of Jeong as the first member.

Allowable Subject Matter

Claims 1 and 12 are allowed. Applicant's argument filed 08 March 2006 is persuasive. Although Jeong teaches a pair of openings on opposite side of the

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fiber/optical members, they are not diametrically opposite to each other. The diametric opposition concept can be explained as the centers of the openings and the center of the circular optical element must all locate on a diameter or an extension of a diameter of the circular optical element. Since the centers of the openings and the center of the optical element cannot possibly be on a same straight line in Jeong's invention, Jeong does not anticipate or render obvious this particular limitation.

Claims 2-8, 10 and 11 are allowed as dependent claims of claim 1.

Claims 13-21 remain allowed as indicated in the two previous office actions.

Claims 25 and 26 fall with 35 USC 112, sixth paragraph as "means plus function" claims. Claims 25 and 26 meets the 3-prong analysis of:

(A) the claim limitations must use the phrase "means for " or "step for; "

(B) the "means for " or "step for " must be modified by functional language; and

(C) the phrase "means for " or "step for " must not be modified by sufficient structure, material or acts for achieving the specified function;

therefore, the claimed limitation will be interpreted to invoke 35 U.S.C. 112, sixth paragraph in light of and consistent with the written description provided by the applicant. It is therefore this examiner's position that claims 25 and 26 are allowable over Jeong in view of Griffin for the same reasons previously stated for claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie Peng whose telephone number is (571) 272-2177. The examiner can normally be reached on 9 am - 6 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "cyp" followed by a stylized flourish.

BRIAN HEALY
PRIMARY EXAMINER
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